

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

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Agenda Item No. 8

meeting date: TUESDAY 27 JANUARY 2015  
title: OPEN AND ACCOUNTABLE LOCAL GOVERNMENT  
submitted by: CHIEF EXECUTIVE  
principal author: OLWEN HEAP

### 1 PURPOSE

- 1.1 To inform Members of the new regulations 'Open and Accountable Local Government' and their impact on the Council.
- 1.2 To approve documents relating to Public Participation and Recording of Meetings.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Community Objectives – to treat everyone equally and ensure that access is available to all
  - Corporate Priorities – to ensure a well managed Council
  - Other Considerations – none

### 2 BACKGROUND

- 2.1 A guide has been received from the Department for Communities and Local Government on Open and Accountable Local Government that includes
  - Part 1 – Your rights to attend and report meetings
  - Part 2 – Access to meetings and documents of council executives
  - Part 3 – Access to non-executive meetings and documents of a local government body, other than parish and town councils
  - Part 4 – Access to meetings and documents of parish and town councils
  - Part 5 – Other rights
- 2.2 The national rules have been changed to make Councils more transparent and accountable to their local communities. The guide gives practical information about what the new rules mean for members of public attending meetings and how they can access information on decisions taken.
- 2.3 Each of the parts above has been examined to assess the impact on the Council and make the necessary changes to accommodate the guidelines.

### 3 ISSUES

- 3.1 Part 1 – the new rules ensure that local government bodies are genuinely accountable to local people whom they serve by allowing the use of modern communication methods such as filming, tweeting and blogging to be embraced to enhance the openness and

transparency of local government. Local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings as long they do not act in a disruptive manner that could result in being excluded from the meeting. Although no prior permission is required to carry out this activity, it is advisable that persons do so, so that necessary arrangements can be made. As such a protocol has been formulated for the council to adopt – see Appendix A

- 3.2 Part 2 – this only applies to councils operating an executive and does not apply to councils operating a committee system.
- 3.3 Part 3 – this part explains how the public can access all meetings of a council including publication of agendas, reports and background papers; confidential and exempt information; publication of minutes and decisions taken by officers under delegated powers.

The new national rules require the recording of certain decisions taken by officers acting under powers delegated to them by the council or local government body. A written record must be available for inspection at the offices and on the website. The requirement to record applies to all decisions taken by officers whilst acting under a specific express authorisation and to only three categories of decision taken whilst acting under a general authorisation. These categories cover decisions

- To ‘grant a permission or licence’,
- That ‘affect the rights of an individual’, or
- To ‘award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position’.

Officers take many administrative and operational decisions about how they go about their day-to-day work within the council’s rules. These decisions do not need to be recorded.

A new section on the website entitled ‘Open Data and Transparency’ is currently being created which will include links to delegated decisions from all service areas of the council.

Best Practice of other Local Authorities is also being sought and Heads of Service have been asked to consider their own areas of responsibility to ascertain what decisions fall under the above categories and therefore need to be included in the new section on the website.

- 3.4 Part 4 – this applies to Parish and Town Councils regarding the right of members of the public to attend their meetings. A report was presented at Parish Councils Liaison committee in October 2014 bringing this to their attention.
- 3.5 Part 5 – this part sets out other rights of access to information published by the council eg. Spending transactions; financial accounts; and Freedom of Information.
- 3.6 In the light of these new guidelines the protocol for public participation at meetings has also been updated. See Appendix B.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – there are no direct financial implications arising from this report but there may be an impact on staff time
- Technical, Environmental and Legal – no significant risks identified
- Political – no significant risks identified
- Reputation – no significant risks identified
- Equality & Diversity – no significant risks identified

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the action taken in order for the Council to adhere to the new regulations regarding Open and Accountable Local Government,

5.2 Approve the protocol for Recording of Meetings as set out in Appendix A

5.3 Approve the protocol for Public Participation at meetings as set out in Appendix B

Oiwen Heap  
ADMINISTRATION OFFICER

Marshal Scott  
CHIEF EXECUTIVE

#### BACKGROUND PAPERS

DCLG Open and Accountable Local Government guidelines

For further information please ask for Diane Rice, extension 4418

REF: OHeap/Policy & Finance/27.01.15



## NOTIFICATION OF RECORDING A COMMITTEE MEETING

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone N<sup>o</sup> during office hours: \_\_\_\_\_

I would like to record the meeting of *(please insert name of meeting and date)*:

\_\_\_\_\_

I have read the guidelines for recording and will comply with these.

Please state below which recording equipment you will be using:

\_\_\_\_\_

\_\_\_\_\_

Once the Committee Services receive your completed request form they will contact you to discuss arrangements prior to the meeting.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

All Council Meetings and Committees start at 6.30pm.

**PLEASE RETURN THIS FORM BY 5PM AT LEAST ONE DAY BEFORE THE MEETING TO:**

**Committee Services  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA**

**or email: [committee.services@ribblevalley.gov.uk](mailto:committee.services@ribblevalley.gov.uk)**

# **RIBBLE VALLEY BOROUGH COUNCIL**

## **Filming or Recording Meetings**

### **WHAT YOU NEED TO DO IF YOU WISH TO RECORD A MEETING OF THE Council**

1. The filming, photographing or audio recording or use of social media at Council meetings or other meetings which are open to the public is allowed provided it does not disrupt the meeting. Members of the public can only do this from a fixed point in the public gallery.
2. If a meeting passes a motion to exclude the press and public then, in conjunction with this, all previous rights to record the meeting by any means are immediately cancelled.
3. The Press, those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Officer (email; [theresa.sanderson@ribblevalley.gov.uk](mailto:theresa.sanderson@ribblevalley.gov.uk)) in advance of the meeting to agree arrangements. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.
4. Individuals or organisations who wish to film, photograph or record by any means are advised to contact the Council's Committee Services team at least one day before a meeting to discuss and agree arrangements – (email: [committee.services@ribblevalley.gov.uk](mailto:committee.services@ribblevalley.gov.uk)).
5. At the beginning of any meeting, where it is known that filming, recording or photography will be taking place the Chair will make an announcement to that effect.
6. Anyone filming or photographing meetings should only focus on recording Councillors, Officers and any speakers ie those directly involved in the conduct of the meeting and should avoid recording children, the vulnerable and other members of the public who actively object to being filmed.
7. Those recording proceedings should not edit the film, recording or photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes not editing an image or views expressed in a way that may misrepresent, ridicule, or show a lack of respect towards those being photographed, filmed or recorded.
8. The Chair of the meeting will have absolute discretion to stop or prevent any filming, photographing, use of social media or recording meetings if, in the opinion of the Chair, it is disruptive or otherwise disturbs the conduct of the meeting or likely to do so.
9. During meetings all phones or other mobile devices must be switched off, or set to silent mode whether or not they are being used to record.
10. If recording is considered to be disruptive or otherwise disturbs the conduct of the meeting the Chair will apply the provisions of Standing Order 25 set out below:

### **DISTURBANCE BY THE PUBLIC**

- 25.11 If a member of the public interrupts the proceedings at any meeting the Chairman will issue a warning and if the interruption continues the Chairman shall order the removal of that person from the premises where the Committee meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Chairman shall order that part to be cleared.

## **PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS**

The Council operates public participation at council meetings and committee meetings. It is a regular item on every agenda.

Listed below are the ground rules for people wishing to speak at any meeting.

1. Only residents of the Ribble Valley may ask a question or make comments.
2. Contributions are limited to one per person per item and no person shall speak for more than 3 minutes, except in exceptional circumstances.
3. Public participation will last for 15 minutes at the start of each meeting. The running order of the agenda may be changed to accommodate public participation at the discretion of the Chairman.
4. Public participation is a part of the formal proceedings and will be recorded in the minutes.
5. Persons wishing to speak at any meeting can only do so in relation to decision items on the agenda. All agendas will be published on the Council's website at least 5 working days before the meeting. Agendas are also available for inspection at the Council Offices, Church Walk, Clitheroe.
6. If an item is listed in Part 2 of the agenda it is to be discussed in private as exempt information and press and public are excluded from the meeting.
7. Speakers on the same agenda item will be taken in the order they are received. Speakers on different agenda items will be dealt with in agenda item order.
8. No person will be allowed to speak on the same issue at two consecutive meetings unless the item has been deferred from a previous meeting.
9. No paperwork/plans/photographs are allowed to be circulated by a speaker at the meeting. This must be done in advance of the date of the meeting if they wish the members to consider information other than that which is contained in the agenda papers.
10. Any person wishing to speak at committee meetings must register with the council by no later than noon on the day of the meeting (for Council it is the Friday before the meeting).
11. If an immediate response is required to a question/comment, it should be submitted in writing at least two working days before the meeting.
12. In respect of questions at Council meetings, members of the public must give notice in writing to the Chief Executive by no later than noon on the Friday before the Council meeting. The notice must specify the nature of the question in enough detail to enable a reply to be prepared. A response will be given by the Chairman of the appropriate committee and a copy of the written answer will be given to the questioner. Questioners have the right to ask one supplementary question once they have received the chairman's response.

13. Speakers must be aware that under the 'Openness Regulations' there is an obligation on the Council to allow filming /recording of meetings as long as it is not disruptive.
14. There are different rules for Licensing Sub-Committees and Planning & Development committees as follows:-

At Licensing Sub-Committee committee

- Only the Applicant and persons who have made relevant representations to a licensing application are permitted to speak;
- The Applicant will be invited to speak first followed by each person who has made a relevant representation;
- There is no limit on the length of time a person may speak, although parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Sub-Committee;
- Members of the public who attend the sub-committee and who have not submitted a relevant representation are not permitted to speak;
- Members of the Sub-Committee may ask a question of any party or other person appearing at the hearing;
- Parties will be allowed to clarify points upon which they wish to support their application;
- Any additional paperwork/evidence in support of or against the application must be submitted prior to the hearing, and members of the Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the consent of all parties

At Planning and Development committee a maximum of 2 speakers is also allowed on each planning application.

- One will be the applicant/agent; the other an objector
- If the Parish Council is the objector they will have first refusal on the right to speak
- If the Parish Council do not wish to speak, the Council will accept the first person to register as an objector
- The applicant/agent will speak first and the objector second
- With reference to rule 1 – residents of Ribble Valley. This rule is waived to accommodate representatives of applicants/objectors from outside the Ribble Valley to participate
- Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and /or objector must confine themselves to giving a direct answer to the question
- Officers will not be required to answer questions raised, but will do so if a member of the committee so requests
- No paperwork/plans/photographs will be allowed to be circulated by the applicant/agent or objector at the meeting. The onus is on the applicant/agent and/or objector to do this in advance of the date of the meeting if they wish the members of the planning and development committee to consider information other than that which is contained in the agenda papers.